

From: OhiKennedy@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

I do not agree that the proposed settlement is sufficient remedy for Microsoft's monopolistic practices, and I do not feel it serves the public interest. As a software applications specialist, I have a keen interest in the present and future state of software for both Macintosh and Intel-compatible computers. I also worked as a mainframe operator in the past, so I know a little about that aspect too. In all of these areas the proposed final judgement in the Microsoft case doesn't cover enough or go far enough.

In particular, the proposed settlement:

- doesn't address Microsoft's current prohibitions and restrictions on useful, currently-available freeware, shareware, add-ons and competitors' software and firmware;
- does nothing to prevent Microsoft licenses from "locking out" competing software developers simply by changing the name or minor technical requirements of existing or new software;
- is so narrowly worded that Microsoft's own next-generation software and current licenses aren't even covered, even though its anti-competitive practices are certainly still in use;
- doesn't address Microsoft's proven technique of adding incompatibilities to punish and discourage users of non-Microsoft operating systems (evidence presented in the 1996 Caldera v. Microsoft antitrust lawsuit); and
- doesn't address Microsoft's restrictive and anti-competitive licenses for very large end-users ('enterprises').

I've used many kinds and sizes of computers and computerized equipment since 1981. In those two decades I've seen a dramatic decrease in the number of operating systems available, in the availability of competing software for office and home tasks, and ultimately in the types of computers available. I believe this has been a direct result of Microsoft's growing stranglehold on computer OEMs and software developers and users, and it has not resulted in better software or more choices for consumers!

The proposed final judgement in the Microsoft case chiefly serves Microsoft's interests, as written. The indecorous haste with which it was revised and released, without the support of the DoJ's own staff who have worked with the case for years, presents the appearance of a "promise bought and paid for" and opens the American civil justice system to criticism by the entire world.

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